



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

4/15/2021 8:51:51 AM

Office of West Virginia  
Secretary Of State

**NOTICE OF PUBLIC COMMENT PERIOD**

AGENCY: Education TITLE-SERIES: 126-030  
RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: Transformative System of Support for Early Literacy (2512)  
CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. V. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 05/17/2021 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Dr. Monica DellaMea, Director, Early and Elementary Learning Services

ADDRESS: Capitol Bldg. 6, Room 215, 1900 Kanawha Blvd., East

Charleston, West Virginia 25305

EMAIL: mdellamea@k12.wv.us

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

Policy 2512 effectuates the provisions of W. Va. Code §18-2E-10, transformative system of support for early literacy (TSSEL).

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Revisions to this policy include updated language to reflect current practices and collaborative partners. Minor edits within the policy include formatting and grammar corrections, as well as clarifying language to ensure concise information reflective of state code and/or related policies not resulting in change of the message or content.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

There will be no economic impact on revenues of state government as a result of the proposed amendment of W. Va. 126CSR30, Policy 2512.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

There will be no economic impact on special revenue accounts as a result of the proposed amendment of W. Va. 126CSR30, Policy 2512.

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

There will be no economic impact to the state or its residents as a result of the proposed amendment of W. Va. 126CSR30, Policy 2512.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2021 Increase/Decrease (use "-")	2022 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
<b>2. Estimated Total Revenues</b>	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

No costs, revenue, or economic impact to the state or its residents will result from the proposed amendment of W. Va. 126CSR30, Policy 2512.

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.**

Yes

**Michele L Blatt -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



**Policy 2512, Transformative System of Support for Early Literacy**  
**List of Stakeholders**

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**West Virginia Department of Education**

**External Stakeholders**

- Nancy Hanna, Assistant Superintendent, Greenbrier County
- Patricia Haynes, Bureau of Children and Families, WVDHHR
- Brittany Doss, West Virginia Head Start State Collaboration Director
- Barbara Maynard, Ed.D., Chief of Staff, June Harless Center, Marshall University
- Tarabeth Heineman, Parent of Child 0-3, Program Development Officer, June Harless Center, Marshall University
- Christy Schwartz, Early Literacy Specialist/WV Certified Teacher, June Harless Center, Marshall University
- Brandie Turner, Early Literacy Specialist, June Harless Center, Marshall University
- Brittany Fike, Early Literacy Specialist/WV Certified Teacher, June Harless Center, Marshall University
- Samantha Statler, Early Literacy Specialist, June Harless Center, Marshall University
- Rebecca Lewis, Early Literacy Specialist/WV Certified Teacher, NBCT, June Harless Center, Marshall University
- Blake Turley, Family Support Specialist, June Harless Center, Marshall University
- Donna Peduto, Executive Director, WV Public Education Collaborative, West Virginia University
- Dawn Miller, Director, Read Aloud West Virginia
- Sherry Copley, Coordinator, Curriculum & Instruction and Special Education, Marion County
- Cate Phillips, Parent of Children 0-3
- Loren Farmer, Parent of Child 0-3
- Claire McCoy, Educator and Parent of Child 0-3
- Susan Gamble, Director, WV Statewide Afterschool Network
- Amanda Bailey, Parent and Educator, Harrison County
- Kara Halsey-Mitchell, Administrator of Curriculum and Instruction, Wyoming County
- Amanda Peyton, Administrative Assistant of Federal Programs and Comprehensive School Improvement, McDowell County
- Joan Adkins, Pre-K Director, Cabell County
- Christy Horne, Elementary Curriculum Coordinator, Harrison County
- Erica Sauer, Director of Special Programs, Hancock County
- Patty Lipps, Director of Elementary Curriculum, Hampshire County
- Vanessa Harlow, Director of Elementary Education and Federal Programs, Grant County
- Elaine Rasnic, Title I Teacher, Fayette County
- Angie Swisher, Pre-K/Head Start Specialist, Monongalia County
- Katie Daniels, Pre-K Child Care Partner (Youth Health Services) and Pre-K Parent, Randolph County
- Jennifer Trippett, Pre-K Child Care Partner, Harrison County
- Karen Goff, West Virginia Library Commission
- Carol Riley, Attendance Director, Preston County
- Susan Taylor, Adjunct Professor, West Virginia University
- Lucy Godwin, Teacher, Randolph County
- Mindy Allenger, Professor, Marshall University
- Tammy Gregory, Attendance Director, Nicholas County

**Policy 2512, Transformative System of Support for Early Literacy  
List of Stakeholders**

- Rhonda Roberts, 1<sup>st</sup> Grade Teacher, Boone County
- Kelly Bryant, 3<sup>rd</sup> Grade Teacher, Logan County

**Internal Stakeholders**

- Monica DellaMea, Ed.D., Director, Early and Elementary Learning Services
- Margaret Luma, Coordinator, Early and Elementary Learning Services
- Janet Bock-Hager, Coordinator, Early and Elementary Learning Services
- Lisa Fisher, Coordinator, Early and Elementary Learning Services
- Sara Hutchinson, Coordinator, Early and Elementary Learning Services
- Virginia Huffman, Coordinator, Early and Elementary Learning Services
- Sonya White, Senior Officer, Office of Teaching and Learning
- Andrea Lemon, Ed.D., Coordinator, Middle and Secondary Learning Services
- Eva Marcum, Coordinator, School Improvement Services
- Lee Ann Brammer, Coordinator, Special Education Services
- Diana Whitlock, Coordinator, Special Education Services
- Stacey Losh, Coordinator, Student Support and Well-Being Services
- David Lee, Director, Student Support and Well-Being Services
- Sherry Swint, Coordinator, Student Support and Well-Being Services
- Tracy Komorowski, Coordinator, Student Support and Well-Being Services
- Margaret Williamson, Director, School Improvement Services

126CSR30

TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION

SERIES 30  
TRANSFORMATIVE SYSTEM OF SUPPORT FOR EARLY LITERACY (2512)

**§126-30-1. General.**

1.1. Scope. -- This ~~policy~~ legislative rule ~~establishes rules to effectuate~~ the provisions of W. Va. Code §18-2E-10, transformative system of support for early literacy (TSSEL). ~~However, if a county board determines that adequate funds are not available for full implementation of a transformative system of support for early literacy in the county, the county board may implement its program in phases by first establishing early literacy instructional support programs in the early readiness grades (Kindergarten), then the primary grades (Grades 1-2), and then establishing an early literacy instructional support program for the third grade once the county board determines that adequate funds are available.~~

1.2. Authority. -- W. Va. Constitution, Article XII, §2; and W. Va. Code §18-2-5 and §18-2E-10.

1.3. Filing Date. -- ~~October 9, 2014.~~

1.4. Effective Date. -- ~~November 10, 2014.~~

1.5. Repeal of Former Rule. -- ~~Repeal of former rule.~~ ~~This rule repeals and replaces~~ amends W. Va. 126CSR30, ~~West Virginia Board of Education (hereinafter WVBE) Policy 2512, Instructional Supports for Third and Eighth Grade Students to Achieve Critical Skills~~ Transformative System of Support for Early Literacy (Policy 2512), filed ~~September 24, 2009~~ October 9, 2014, and effective ~~October 26, 2009~~ November 10, 2014.

**§126-30-2. Purpose.**

2.1. ~~The purpose of~~ ~~†This policy is to provide rules that encourage and assist~~ establishes standards ~~for county boards central office staff~~ in establishing a transformative system of support for students to meet grade-level proficiency in reading by the end of third grade, targeting a comprehensive system of support for early literacy in ~~grades kindergarten~~ pre-k through ~~third grade~~ 3. This approach shall focus on supports during the early learning years which include schools and engaged communities mobilized to remove barriers, expand opportunities, and assist ~~parents~~ families in fulfilling their roles and responsibilities to serve as full partners in the success of their children. The blueprint for West Virginia's Campaign for Grade Level Reading includes ~~†the development of a comprehensive, systemic~~ systematic approach to close the reading achievement gap by third grade targeting school readiness, ~~the attendance gap chronic absence, summer learning loss~~ extended learning, and an transformative intervention framework ~~and serves as the blueprint for West Virginia's Campaign for Grade Level Reading.~~

**§126-30-3. Definitions.**

3.1. Early Learning Reporting System (ELRS). A data reporting system based on the formative assessment process that allows pre-k through grade 2 educators the opportunity to gauge the extent to which students are working toward development of proficiency across standards.

3.2. Extended Learning. Learning that children experience outside of the traditional school day and can include before-school, after-school, and summer programming. Extended learning includes instructional support for students to ensure grade-level proficiency and to prevent summer learning loss.

3.3. School Readiness. Process of assuring that children have access to the best available resources prior to entering first grade. Available resources support children and their families and focus on maximizing children's holistic development from birth. Acknowledging that each child's development is significantly impacted by previous experiences, school readiness also entails the capacity of schools and programs to welcome families and be prepared to serve all children effectively within the developmental domains of health and physical development, social and emotional development, language and communication, cognition and general knowledge, and individual approaches to learning.

3.4. Transformative System of Support for Early Literacy (TSSEL). The comprehensive approach to closing the reading achievement gap by the third grade. It is aligned to West Virginia's Campaign for Grade Level Reading and supports the whole child through efforts related to attendance, school readiness, extended learning, and high-quality instruction.

3.5. West Virginia Early Literacy Network of Support. Stakeholders dedicated to assisting counties in the implementation of a local transformative system of support. These stakeholders are responsible for communicating the requirements of Policy 2512 and providing professional learning to assist in reaching early literacy goals.

#### **§126-30-34. General Responsibilities.**

~~34.1.~~ The West Virginia Board of Education (WVBE) has the responsibility of generating policy that includes rules to effectuate the provisions of W. Va. Code §18-2E-10 that includes at least the following:

~~34.1.a.~~ Development implementation of the West Virginia Campaign for Grade Level Reading, of a comprehensive, systemic systematic approach to close the reading achievement gap by third grade, which targets school readiness, the attendance gap chronic absence, summer learning loss extended learning, and high-quality instruction to create a transformative intervention framework for student and learning supports;

~~34.1.b.~~ Eensuring all West Virginia children have access to high-quality early learning experiences that focus on physically and emotionally healthy learners as part of the school readiness model, resulting in increased populations of children on target for healthy development prior to entering first grade;

~~34.1.c.~~ Closing the attendance gap to certify West Virginia children attend school regularly and limit chronic absenteeism in the early grades; encouraging regular school attendance for children in the early grades in order to develop positive attendance habits and minimize chronic absences;

~~34.1.d.~~ Assisting county boards central office staff in establishing and operating targeted, sustained extended day and extended year reading literacy programs to ensure grade-level grade-level proficiency and battle prevent summer learning loss;

~~34.1.e.~~ Maximizing family engagement to result in the development of a culture of literacy from birth through third grade;

~~34.1.f.~~ Supporting high-quality schools and a workforce prepared to address early literacy, identification of early interventions, and implementation of a system of intervention for children not reaching below grade-level proficiency;

~~34.1.g.~~ Ensuring ensuring the employment of qualified teachers and service personnel in accordance with the provisions of ~~section thirty nine, article five of this chapter and section seven c, article four, chapter eighteen a of this code~~ W. Va. Code §18-5-39 and §18a-4-7c to provide instruction to students enrolled in early literacy support programs;

~~34.1.h.~~ Creating a formula or grant based program ensuring that the formula-based program for the distribution of funds is appropriated specifically for the purposes of this section or otherwise available for the support of a targeted, comprehensive system of support for early literacy;

~~34.1.i.~~ Providing support for supervision, transportation, and provision of healthy foods for students required to attend after school and extended year early literacy extended learning programs for instructional support programs for early literacy instructional support and supervision at the school that accommodatesing the typical work schedules of parents families; and

~~34.1.j.~~ Receiving from county boards central office staff any applications and annual reports required by ~~rule of the state board~~ state policy.

~~34.2.~~ The West Virginia Department of Education (hereinafter WVDE) has the primary responsibility for providing leadership in: ~~1) defining and developing the framework for the effective design and implementation of a transformative system of support for early literacy; 2) assisting counties in the design and implementation of the support system through structures to maximize funding resources available; 3) developing online structures/systems to increase efficiency of delivery and accountability; and 4) designing a reporting system that informs the West Virginia Board of Education (WVBE), Legislature and the Governor of monitored progress of implementation of a system of support for early literacy. It is further the responsibility of the WVDE to:~~

~~34.2.a.~~ developing guidance, processes, and protocol resources to support the design and delivery of a comprehensive transformative system of support for early literacy TSSSEL at the county level that includes:

~~34.2.a.1.~~ definitions associated with, and an overview of the transformative system of support for early literacy TSSSEL, which is aligned to and supportive of West Virginia's Campaign for Grade Level Reading and includes as primary components efforts to support school readiness based on WV's West Virginia's Comprehensive Framework for School Readiness; efforts to promote school attendance during the early years to establish positive habits and deter chronic absenteeism; and efforts to ensure opportunities for targeted, sustained extended day and extended year learning opportunities to provide students with ongoing support with early literacy development;

~~34.2.a.2. recommendations to assist counties with the design and implementation of the transformative system of support for early literacy to maximize funding resources available in maximizing sources of funding, including but not limited to, Title I, Title II, Public Law 108-446, Individuals with Disabilities Education Improvement Act (IDEA), and 21<sup>st</sup> Century Community Learning Centers (21<sup>st</sup> CCLC) to support a TSSEL transformative system of support for early literacy;~~

~~34.2.a.3. recommendations for increasing family engagement as part of the transformative system of support for early literacy TSSEL;~~

~~3.2.a.4. recommendations for maximizing alternate sources of funding, Title I, Title II, and Individuals with Disabilities Education Improvement Act (IDEA) to support the Transformative System of Support for Early Literacy;~~

~~34.2.a.5. support for the collection of data and reporting annually about early literacy intervention programs, including their implementation and outcomes;~~

~~4.2.a.5. guidance to support completion of required Annual Reports annual reports, as applicable, to be submitted to the WVBE, Legislature, and Governor; and~~

~~34.2.b. develop guidance to support the use of an the Early Learning Reporting System based on the formative assessment process to gauge students' ongoing progress toward grade-level proficiency, including English language arts, that provides:~~

~~34.2.b.1. a mechanism to generate classroom, school, county, and state-level reports to indicate progress toward closing the literacy achievement gap in West Virginia in grades kindergarten pre-k through grade 3, as applicable per W. Va. 126CSR42, WVBE Policy 2510, Assuring the Quality of Education: Regulations for Education Programs;~~

~~34.2.b.2. the capability to generate individualized student reports for families to better understand their child's progress toward proficiency across standards;~~

~~34.2.b.3. the capability to examine outcome data for students over multiple years to gauge progress toward proficiency across standards; and~~

~~34.2.b.4. a resource and recommendation guide for the use of early literacy reports from the Early Learning Reporting System to base literacy intervention and targeted, sustained extended day and extended year program design and implementation.~~

~~34.3. Utilization of the Regional Education Service Agencies (hereinafter RESAs) West Virginia Early Literacy Network of Support; should be fully utilized is encouraged in the implementation of WVBE policy requirements at the county and school level through the following important responsibilities:~~

~~34.3.a. provide technical assistance to counties to assist with implementation of the transformative system of support for early literacy TSSEL;~~

~~34.3.b.~~ provide high-quality professional learning opportunities to support teachers, ~~and~~ teacher assistants, and other county central office or school staff in the delivery of a comprehensive approach to early learning; and

~~34.3.c.~~ facilitate coordination and cooperation among county ~~boards~~ central office staff and community partners ~~within their respective regions~~ in the design and delivery of ongoing support.

~~34.4.~~ It is the responsibility of county ~~boards of education~~ central office staff to plan, deliver, and evaluate the implementation of a ~~transformative system of support for early literacy~~ TSSEL in accordance with WVBE policy and WVDE guidance resources as defined in this policy. In carrying out this responsibility the county ~~boards~~ central office staff must address the following established processes that meet the requirements for a ~~transformative system of support for early literacy~~ TSSEL:

~~34.4.a.~~ a county plan that includes a needs assessment to determine the potential capacity requirements for the system of support for early learners that addresses the comprehensive, ~~systemic~~ systematic approach to a ~~transformative system of support for early literacy~~ TSSEL, which includes components outlined in West Virginia's Campaign for Grade Level Reading and identified in section ~~34.1.a~~ of this policy including:

~~34.4.a.1.~~ development of a comprehensive, systematic approach to close the reading achievement gap by third grade, which targets school readiness, ~~the attendance gap~~ chronic absence, ~~summer learning loss~~ extended learning, and high-quality instruction to include a transformative intervention framework for student and learning supports;

~~34.4.a.2.~~ ensuring all West Virginia children have access to high-quality early learning experiences that focus on physically and emotionally healthy learners as part of the school readiness model, resulting in increased populations of children on target for healthy development prior to entering first grade; ~~and~~

~~34.4.a.3.~~ ~~closing the attendance gap to certify~~ ensuring West Virginia children attend school regularly and limit chronic absenteeism in the early grades; encouraging regular school attendance for children in the early grades in order to develop positive attendance habits and minimize chronic absences;

~~3.4.b.~~ ~~a systematic process for identification and monitoring of students receiving early literacy intervention before, during, and after school, and in the summer;~~

~~34.4.eb.~~ delivery and monitoring of research-based instructional support/interventions before, during, and after school, and in the summer;

~~34.4.ec.~~ maximization of funding resources, which may include Title I, Title II, IDEA, and ~~21st Century Community Learning Center Programs~~ 21<sup>st</sup> CCLC funds to support instructional intervention in ~~grades kindergarten~~ pre-k through grade 3-;

4.c.1. county may determine how to implement a TSSEL by distributing funding and initiatives equally across early readiness grades (pre-k and kindergarten), primary grades (grades 1 and 2) and grade 3 or by selecting specific grade levels for implementation based on needs.

~~34.4.ed.~~ employment of highly-qualified teachers and service personnel for the delivery of instruction and support;

~~34.4.fe.~~ family engagement programs supporting early literacy development ~~of their children;~~

~~34.4.gf.~~ provision of high-quality educational facilities, equipment and services to support early literacy instructional support programs established pursuant to this section. Extended year programs may be provided at a central location for kindergarten through ~~third~~ 3 graders 3 who qualify for the program. ~~Countyies boards~~ may not charge tuition for enrollment in early literacy instructional support programs established pursuant to this section; and

~~34.4.hg.~~ support for supervision, transportation, and provision of healthy foods for students required to attend ~~after school and extended year early literacy~~ extended learning programs for early literacy instructional support programs and supervision at the school ~~that accommodates~~ accommodating the typical work schedules of parents families;

~~34.5.~~ A student ~~in grades kindergarten through three~~ who is recommended by the ~~student assistance team~~ Student Assistance Team (SAT) or the student's classroom teacher for additional assistance in one or more of the key standards of English ~~L~~anguage Aarts, including reading, speaking and listening, writing or language, may be required to attend an extended year early literacy instructional support program as a condition for promotion if:

~~34.5.a.~~ ~~T~~the student has been provided additional academic help through an in-school or after-school early literacy instructional support program and, prior to the end of the school year, the ~~student assistance team~~ SAT or the student's classroom teacher recommends that further additional academic help is needed for the student to be successful at the next grade level; and

~~34.5.b.~~ ~~T~~the county ~~board~~ central office staff has established an early literacy instructional support program during the extended year for the student's grade level.

~~34.5.c.~~ ~~This s~~Section 4.5 may not be construed to prohibit a classroom teacher from recommending the grade level retention of a student based upon the student's lack of mastery of the subject matter, nor may this section be construed to affect the ~~individualized education plans~~ Individualized Education Program (IEP) of exceptional students a student with disabilities.

**§126-30-4.5. Severability.**

~~45.1.~~ If any provision of this ~~rule~~ policy or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ~~rule~~ policy.

**W. Va. 126CSR30, Policy 2512, Transformative System of Support for Early Literacy  
Comment Response Form**

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**Comment Period Ends:** May 17, 2021

**NOTICE:** *Comments, as submitted, shall be filed with the West Virginia Secretary of State's Office and open for public inspection and copying for a period of not less than five years.*

The following form is provided to assist those who choose to comment on Policy 2512, Transformative System of Support for Early Literacy. Additional sheets may be attached, if necessary.

Name: \_\_\_\_\_ Organization: \_\_\_\_\_

Title: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Please check the box below that best describes your role.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Superintendent             | <input type="checkbox"/> Higher Educator   | <input type="checkbox"/> Parent/Family    |
| <input type="checkbox"/> Principal                  | <input type="checkbox"/> Teacher           | <input type="checkbox"/> Community Member |
| <input type="checkbox"/> Professional Support Staff | <input type="checkbox"/> Service Personnel | <input type="checkbox"/> Other            |

COMMENTS/SUGGESTIONS
§126-30-1. General.
§126-30-2. Definitions.
§126-30-3. Purpose.
§126-30-4. General Responsibilities.
§126-30-5. Severability.

Please direct all comments to:

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Early and Elementary Learning Services  
West Virginia Department of Education  
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